

CALIFORNIA ENVIRONMENTAL QUALITY ACT

DRAFT NEGATIVE DECLARATION

Project Title: Mercury Waste Classification and Management Regulations
DTSC Reference Number R-02-04

State Clearinghouse Number:

Contact Person and Telephone #:

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Project Location: Statewide. The project is the adoption of regulations that will be effective throughout the entire state.

Project Description:

The proposed project is the adoption of new regulations to do the following:

1.) Classify or “list”¹ the following mercury-containing products as hazardous wastes when discarded:

- Mercury-containing motor vehicle switches;
- Non-automotive mercury switches;
- Mercury-containing (fluorescent) light bulbs or tubes, and
- Mercury-containing novelties.

Under current hazardous waste identification criteria and requirements, some of these mercury-containing wastes may end up being classified as nonhazardous waste because the concentration of mercury is “diluted” by the total mass of the waste when the waste is tested for hazardous characteristics. These wastes are then managed as solid waste and

¹ “Listed” hazardous wastes are wastes that are automatically considered hazardous waste when discarded. Testing or application of knowledge of the waste is not required to determine whether the waste is a hazardous waste since the waste is automatically considered hazardous waste by virtue of being listed. Please note, however, that “listing” of certain wastes is only an additional mechanism for the identification of hazardous waste. **It does not replace the existing waste classification system.**

disposed in municipal landfills, even though they contain mercury that can be released into the environment. Listing of the identified mercury-containing wastes as hazardous waste will help ensure that the wastes are removed from solid waste management systems and recycled or disposed at authorized hazardous waste facilities.

2.) Regulate the following ten (10) specific mercury-containing wastestreams according to the Universal Waste requirements established in California Code of Regulations, title 22, division 4.5, chapter 23, and according to the specific management requirements given in the proposed regulations:

- Mercury-containing motor vehicle switches;
- Dental amalgam wastes;
- Mercury-added novelties;
- Mercury thermometers;
- Mercury-containing rubber flooring;
- Non-automotive mercury switches;
- Mercury pressure or vacuum gauges;
- Mercury counterweights and dampers;
- Mercury-containing dilators;
- Mercury-containing gas flow regulators.

The mercury-containing wastes proposed for management under the Universal Waste requirements are generally well-characterized, low management risk wastes that are usually generated in small volumes by many businesses and households. However, the generators of these wastes often do not recognize that the wastes are hazardous or are not aware of the hazardous waste management requirements applicable to the wastes. Consequently, the wastes are often just thrown in the trash and end up disposed at municipal landfills.

Managing the specified mercury-containing wastes under the modified universal waste standards will help divert these wastes from solid waste management systems to proper recycling or disposal at hazardous waste disposal facilities. The universal waste standards for mercury-containing wastes would allow longer waste accumulation times, hazardous waste generator identification numbers only for large quantity handlers of 5,000 or more kilograms of waste, and shipment of wastes without a manifest or registered hazardous waste transporter. However, most wastes must be recycled in order to qualify for management under universal waste requirements and all wastes must be managed in a way that prevents mercury releases into the environment. In addition, household universal waste generators are exempt from hazardous waste and universal waste

management requirements provided the wastes are transferred to another handler of universal waste or to a destination facility, and the waste is managed in a manner that prevents releases of mercury into the environment.

The proposed regulations do not address naturally occurring mercury deposits, wastes generated from the mercury mining, or cleanup of mercury spills or contamination not related to management of the specific mercury-containing wastes identified in the regulations. Final disposal and recycling of mercury-containing wastes will continue to be fully regulated according to all applicable hazardous waste requirements.

Findings of Significant Effect on Environment:

DTSC has determined that this project, as proposed, will not have a significant effect on the environment as that term is defined in Public Resources Code Section 21068. A copy of the Initial Study that supports this finding is attached.

Mitigation Measures:

No mitigation measures have been identified.